

SIXTH DAY

(Wednesday, January 16, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

At Ease

The President Pro Tempore announced at 10:38 o'clock a.m. that the Senate would stand at Ease for ten minutes.

In Legislative Session

The President called the Senate to order as in Legislative Session at 10:48 o'clock a.m.

Senate Resolution 36

Senator Hudson offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Lee V. Stewart of Weslaco, Texas; and

Whereas, Mrs. Stewart is the great-granddaughter and only namesake of Joanna Troutman whose portrait hangs on the walls of the Senate; and the portrait was presented by Governor O. B. Colquitt when Joanna Troutman's remains were brought to Texas in recognition of the Lone Star

Flag made by Mrs. Troutman when she was 18 years of age. This flag was presented to the Georgia Battalion and brought to Texas in 1835 and first raised at Velasco on January 8, 1836. It is known in history as the first Lone Star Flag to have been raised on Texas soil. Mrs. Stewart's father, S. L. Pope, III, was born in the home of Joanna Troutman; her first husband being Colonel S. L. Pope, I; and

Whereas, The flag which Mrs. Troutman made witnessed the massacre of Fannin and his men at Goliad. Two pieces of Santa Anna's silver service which were presented to Joanna Troutman in recognition of the flag are on display at Arlington State College at Arlington, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Hudson by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Colson:

S. B. No. 42, A bill to be entitled "An Act changing the name of the Texas Prison System to the Texas Department of Corrections, the name of the Texas Prison Board to the Texas Board of Corrections, and the title of General Manager of the Texas Prison System to Director of Corrections; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Aikin:

S. B. No. 43, A bill to be entitled "An Act amending House Bill No. 190, Acts of the 46th Legislature, Regular Session, 1939, page 246, as amended, codified as Article 567b in Vernon's Penal Code and commonly known as the Hot Check Law, by adding a new section defining offenses relating to the making, drawing, ut-

tering, or delivering of a check, draft, or order for payment of wages or salaries for personal services without sufficient funds; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moffett:

S. B. No. 44, A bill to be entitled "An Act defining offenses in connection with the furnishing of alcoholic beverages, narcotic drugs, barbiturates, and other drug stimulants to inmates of the Texas Prison System and the taking of these articles into the confines of Texas Prison System property, and prescribing a penalty for violation; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Smith:

S. B. No. 45, A bill to be entitled "An Act making it a misdemeanor, punishable by fine, for any male minor between 14 and 17 years of age or any female minor between 14 and 18 years of age to drive or operate a motor vehicle while under the influence of intoxicating liquor or in such a way as to violate any traffic law of this State; defining the term 'any traffic law of this State'; prohibiting commitment of any such minor to jail in default of payment of fine, but authorizing suspension of his or her driver's license until the fine is paid; making it a misdemeanor for any such minor to operate a motor vehicle without a valid driver's license and providing the penalty therefor, and authorizing seizure and impoundment of any motor vehicle operated in violation of this provision; making other provisions relative to disposition of vehicles so seized or impounded; fixing jurisdiction of the offenses created hereunder and stating the effect of this Act on other laws; repealing Chapter 436, Acts of the 52nd Legislature, R. S. 1951, but providing for prosecution and punishment of offenses committed prior to repeal; providing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Smith:

S. N. No. 46, A bill to be entitled "An Act amending Section 143 of Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended (codified as Article 6710d in Vernon's Texas Civil Statutes) so

as to increase the punishment for violations of the Act on the basis of the number of previous convictions for a 'moving violation'; defining 'moving violation'; making this Act cumulative; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senators Smith and Owen:

S. B. No. 47, A bill to be entitled "An Act providing for fixing the compensation of judges of district courts in districts consisting of three or more counties; providing the manner of payment; establishing a limitation of amount of such compensation; providing for the validity of the remaining portion of Act if any part declared unconstitutional; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 48, A bill to be entitled "An Act for the relief of purchasers and providing for the issuance of a patent to Lot 8, Block 169 of the City of Austin, Texas, and declaring an emergency."

To the Committee on State Affairs.

By Senator Moore:

S. B. No. 49, A bill to be entitled "An Act amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended, and Article 591, Revised Code of Criminal Procedure of Texas, 1925, as amended, so as to provide for the selection of jurors by the jury wheel system, and the selection of special venire by the jury wheel system in counties containing a city having a population of 18,000 or more inhabitants; providing a repeal clause; providing a severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Willis:

S. B. No. 50, A bill to be entitled "An Act amending Article 1583-2 of the Penal Code of Texas, as amended, relating to minimum wages of firemen and policemen in cities of ten thousand or more inhabitants, by increasing longevity pay from \$2.00 per month to \$4.00 per month; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 51, A bill to be entitled "An Act providing for the sale of

pen-raised game birds; defining pen-raised game birds; providing for a commercial game bird breeder's license and fixing fee for same; providing for deposit of license fees; requiring each pen-raised game bird carcass to be marked for identification; prohibiting the sale of pen-raised game birds that have been killed by shooting; providing for exceptions; fixing a penalty for a violation of this Act; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Game and Fish.

By Senator Hudson:

S. B. No. 52, A bill to be entitled "An Act relating to the construction, acquisition and equipment of buildings and other plant facilities by junior college districts; amending Chapter 25, Acts of the 54th Legislature, 1955, codified as Article 2815r-1 of Vernon's Texas Civil Statutes, by adding a new section to be designated as Section 5a, so as to further define and clarify the kinds of buildings and structures which may be constructed thereunder and the authority of the governing boards of the districts to charge fees for the use of buildings and other facilities; stating the effect of this Act on other laws; and declaring an emergency."

To the Committee on State Affairs.

Senate Concurrent Resolution 6

Senator Owen offered the following resolution:

S. C. R. No. 6, Authorizing John W. Kidd Memorial Foundation to construct building at Texas Western College.

Whereas, The John W. (Cap) Kidd Memorial Foundation, a Texas corporation, whose purpose is to establish and maintain a recording seismograph and auxiliary equipment as a memorial, has requested permission of the Board of Regents of The University of Texas to erect a building on the campus of the Texas Western College, El Paso, Texas, to install seismological laboratory equipment and to name the building and installation in honor of Dean John W. (Cap) Kidd; and

Whereas, The building construction and the purchase and installation of the equipment will be financed by

the Foundation through cash contributions and donations; and

Whereas, This building will be a stone building with a concrete floor and roof with approximately 737½ square feet at an estimated cost of \$7,500.00; and

Whereas, Texas Western College would assume the obligation of maintaining the building and equipment, which, in view of the size of the building, would be nominal; and

Whereas, The benefits derived by the staff and student body in the physics and geology departments of the College would more than offset the nominal maintenance cost which would be incurred; now, therefore, be it

Resolved, By the Senate of Texas, The House concurring, that the Board of Regents of The University of Texas be authorized to accept this building and laboratory installation from the John W. (Cap) Kidd Memorial Foundation and to assume the obligation of maintaining the building and equipment.

The resolution was read.

On motion of Senator Owen and by unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 37

Senator Secrest offered the following resolution:

Whereas, This day marks the 30th wedding anniversary of our distinguished colleague, Senator Grady Hazlewood and his lovely wife, Andrine; and

Whereas, This lovely couple has graced the Austin scene for the past sixteen years while Senator Hazlewood has ably represented his district in the Senate of Texas; and

Whereas, We hold these wonderful people in the highest esteem and desire to honor them on the occasion of their having reached this important milestone in their lives; now, therefore, be it

Resolved, By the Senate of Texas, that Senator and Mrs. Grady Hazlewood be extended the best wishes and warmest regards of their friends who have been permitted many happy associations with them, and that the Senate express its high hopes for them of many more years of wedded bliss and that when that golden wed-

ding anniversary date of the future has been reached this able man and his gracious wife will still be a part of the official family of the Senate of Texas.

SECREST

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Willis and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Senate Concurrent Resolution 7

Senator Weinert offered the following resolution:

S. C. R. No. 7, Adopting Permanent Rules for the 55th Legislature.

Be it Resolved by the Senate, the House of Representatives concurring, That the Joint Rules of the Senate and the House of Representatives of the 54th Legislature, as printed in the Legislative Manual of the 54th Legislature, be and the same are hereby adopted as the permanent Joint Rules of the Senate and House of Representatives of the 55th Legislature.

The resolution was read.

Senator Weinert moved to suspend Senate Rule 44 to permit immediate consideration.

The motion prevailed by the following vote:

Yeas—28

Ashley	Krueger
Bracewell	Lane
Bradshaw	Lock
Colson	Martin
Fly	Moffett
Fuller	Moore
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers

Secrest
Smith

Weinert
Willis

Nays—1

Aikin

Absent

Owen

Wood

The resolution was then adopted.

Senate Resolution 38

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate John Peace; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Mr. Peace to the Members of the Senate.

Standing Committees of the Senate

The President announced the appointment of the following Standing Committees of the Senate:

Agriculture and Livestock

Moffett, Chairman; Krueger, Vice-Chairman; Ashley, Colson, Owen, Rogers, Secrest, Smith, Willis.

Banking

Secrest, Chairman; Fly, Vice-Chairman; Aikin, Bracewell, Gonzalez, Hudson, Kazen, Lock, Martin, Moore, Phillips, Reagan, Weinert.

Claims

Ratliff, Chairman; Reagan, Vice-Chairman; Colson, Herring, Kazen, Parkhouse, Roberts.

Constitutional Amendments

Phillips, Chairman; Owen, Vice-Chairman; Ashley, Bracewell, Fly, Fuller, Hardeman, Kazen, Krueger, Lock, Martin, Moffett, Parkhouse, Weinert, Wood.

Contingent Expenses

Martin, Chairman; Kazen, Vice-Chairman; Ashley, Lock, Moffett.

Counties, Cities and Towns

Owen, Chairman; Gonzalez, Vice-Chairman; Bracewell, Krueger, Willis.

Education

Willis, Chairman; Reagan, Vice-Chairman; Aikin, Bradshaw, Fuller, Hudson, Krueger, Ratliff, Roberts, Rogers, Smith.

Finance

Fly, Chairman; Kazen, Vice-Chairman; Aikin, Ashley Bradshaw, Colson, Fuller, Hardeman, Hazlewood, Herring, Lane, Lock Martin, Moffett, Moore, Phillips, Ratliff, Reagan, Roberts, Smith, Weinert.

Game and Fish

Kazen, Chairman; Ashley, Vice-Chairman; Aikin, Fly, Fuller, Krueger, Lane, Phillips, Weinert, Willis, Wood.

Insurance

Bracewell, Chairman; Bradshaw, Vice-Chairman; Fly, Fuller, Hardeman, Hazlewood, Lane, Lock, Martin, Parkhouse, Phillips, Reagan, Roberts, Weinert, Willis.

Interstate Cooperation

Lock, Chairman; Secrest, Vice-Chairman; Gonzalez, Herring, Moffett.

Jurisprudence

Weinert, Chairman; Hardeman, Vice-Chairman; Ashley, Fly, Fuller, Gonzalez, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moore, Parkhouse, Phillips, Wood.

Labor and Management Relations

Ashley, Chairman; Lock, Vice-Chairman; Hudson, Krueger, Parkhouse, Weinert, Wood.

Legislative, Congressional and Judicial Districts

Martin, Chairman; Rogers, Vice-Chairman; Bracewell, Herring, Kazen, Krueger, Lock, Owen, Parkhouse, Ratliff, Roberts, Secrest, Weinert.

Military and Veterans Affairs

Roberts, Chairman; Smith, Vice-Chairman; Hudson, Moffett, Phillips, Rogers, Willis.

Nominations

Lock, Chairman; Martin, Vice-

Chairman; Aikin, Bracewell, Fly, Herring, Kazen, Krueger, Lane, Parkhouse, Phillips, Ratliff, Weinert.

Oil and Gas

Hardeman, Chairman; Moffett, Vice-Chairman; Ashley, Bracewell, Fly, Fuller, Hazlewood, Lane, Lock, Owen, Phillips, Ratliff, Reagan, Weinert, Willis.

Privileges and Elections

Moore, Chairman; Ashley, Vice-Chairman; Aikin, Gonzalez, Kazen, Lane, Lock, Martin, Owen, Roberts, Weinert.

Public Health

Colson, Chairman; Wood, Vice-Chairman; Bradshaw, Fuller, Gonzalez, Herring, Hudson, Krueger, Lane, Roberts, Secrest, Smith, Weinert.

Rules

Weinert, Chairman; Moffett, Vice-Chairman; Fly, Lane, Lock.

State Affairs

Lane, Chairman; Ratliff, Vice-Chairman; Aikin, Ashley, Bracewell, Fly, Fuller, Hardeman, Hazlewood, Kazen, Krueger, Lock, Martin, Moffett, Moore, Parkhouse, Phillips, Secrest, Weinert, Willis, Wood.

State Departments and Institutions

Herring, Chairman; Roberts, Vice-Chairman; Colson, Kazen, Reagan.

Transportation

Fuller, Chairman; Aikin, Vice-Chairman; Ashley, Hardeman, Hudson, Krueger, Lane, Lock, Martin, Moffett, Moore, Parkhouse, Rogers, Weinert.

Water and Conservation

Parkhouse, Chairman; Roberts, Vice-Chairman; Ashley, Bracewell, Fly, Fuller, Hardeman, Kazen, Lock, Martin, Moffett, Owen, Phillips, Reagan, Rogers, Weinert, Wood.

Adjournment

On motion of Senator Hardeman the Senate, at 11:28 o'clock a.m., adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of

C. E. Luce

Senator Smith offered the following resolution:

(Senate Resolution 32)

Whereas, In the passing of C. E. Luce, on January 12, 1957, the people of Lubbock County and Texas lost one of its most beloved and outstanding citizens; and

Whereas, C. E. Luce and his family have lived in Lubbock many years, residing at 2319 27th Street, and had a permanent influence on the civic, charitable and religious progress of that community and of Lubbock County; and

Whereas, C. E. Luce, born in Fort Worth, Texas, was a well known and highly honored law enforcement officer of Lubbock and has served as deputy United States Marshall for the past twenty years, and known throughout the State for his wisdom, his high principles and fairness; and

Whereas, C. E. Luce was identified with law enforcement on the South Plains for the past three decades; and

Whereas, C. E. Luce is survived by his wife, Mrs. C. E. Luce of Lubbock; a daughter, Mrs. Earl E. West of Clovis; a granddaughter, Sandra Sue West, also of Clovis; and his mother, Mrs. Stella Baird of Petersburg; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this great citizen and his family; and, be it further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and, be it further

Resolved, That enrolled copies of this Resolution be forwarded to the surviving members of his family as a token of respect and sympathy.

SMITH

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Mr. Curtis Hancock

Senator Parkhouse offered the following resolution:

(Senate Resolution 33)

Whereas, God in his infinite wisdom saw fit to close the esteemed career of Mr. Curtis Hancock by calling him to his heavenly reward on January 8, 1957, in the 84th year of his life; and

Whereas, Mr. Hancock received his law degree from the University of Texas in 1897 and was elected city attorney for Oak Cliff the following year; and

Whereas, Mr. Hancock served in the Texas Legislature from 1903 to 1905, and was appointed the first chairman of the State Highway Commission in 1917; and

Whereas, Mr. Hancock served as director of the Dallas County Selective Service Board, as director of the Dallas County Good Roads Association, and as a director of the Big Bend Trail Association, and was a member of the Oak Cliff Methodist Church; and

Whereas, Mr. Hancock has been an active promoter of better highways in Texas, and pushed promotion and development work for the Big Bend National Park and was honored recently by having a highway in the Big Bend area named the Curtis Hancock Highway; and

Whereas, He was an unselfish man who worked on many projects for the advancement of his city, State and Nation; and

Whereas, It is the desire of the Senate of Texas to recognize and to pay tribute to the memory of this outstanding Texan; and to express sympathy to his wife, his sons, and members of his family; now, therefore, be it

Resolved, By the Senate of Texas that the loss of this esteemed citizen is a loss to the City of Dallas and to the entire State; now, be it further

Resolved, That a copy of this Resolution be sent to the members of his family as a token of our sympathy, and that when the Senate adjourns today, it do so in respect to the memory of Mr. Curtis Hancock.

PARKHOUSE

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Hudson and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
John Herring Kavanaugh

Senator Herring offered the following resolution:

(Senate Resolution 34)

Whereas, In the passing of John Herring Kavanaugh, on January 8, 1957, the people of Williamson County and Texas lost one of its most beloved and outstanding citizens; and

Whereas, John Herring Kavanaugh and his family have lived in Round Rock many years and had a permanent influence on the civic, charitable and religious progress of that community and of Williamson County; and

Whereas, John Herring Kavanaugh, born in Woodville, Texas, on November 9, 1879, was a well known and highly honored newspaperman and editor of the Round Rock Leader for the past 33 years and known throughout the State for his wisdom, his high principles and fairness; and

Whereas, John Herring Kavanaugh is survived by his wife, Mrs. John Herring Kavanaugh, and five children, two sons, Mr. William Kavanaugh of Round Rock, Texas, and Mr. John Kavanaugh of Austin, Texas, and three daughters, Miss May Kavanaugh of Round Rock, Texas, Mrs. W. O. Schultz of San Antonio, Texas, and Mrs. James Wilson of Sonora, Texas; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this great citizen and his family; and, be it further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and, be it further

Resolved, That enrolled copies of this Resolution be forwarded to the surviving members of his family as a token of respect and sympathy.

HERRING

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Ashley and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of

Mrs. Albert Steves, Jr.

Senator Gonzalez offered the following resolution:

(Senate Resolution 35)

Whereas, Almighty God in His infinite wisdom called from this earthly life Mrs. Albert Steves, Jr. of San Antonio, Texas; and

Whereas, Mrs. Steves, a life-long resident of San Antonio, had been active in social, civic, religious and charitable organizations; and

Whereas, Her great-grandfather, John W. Smith, was San Antonio's first mayor, elected to office in 1841, her uncle, John Tobin held the offices of both sheriff and mayor, and her father, Sam C. Bell, and son, Sam Bell Steves were mayors; and

Whereas, Mrs. Steves' husband, the late Albert Steves, Jr., was president of Ed Steves & Sons, one of San Antonio's oldest establishments; and

Whereas, It is the desire of the Senate of Texas to recognize and pay tribute to the memory of this outstanding citizen and to express sympathy to her sons, and to the other members of her bereaved family; now, therefore, be it

Resolved, By the Senate of Texas that the loss of this esteemed citizen and leader in civic and community affairs is a loss to the City of San Antonio; and that a copy of this resolution be sent to the members of her family as a token of our sympathy; and be it further

Resolved, That when the Senate adjourns today, it do so in respect to the memory of Mrs. Albert Steves, Jr.

The resolution was read and was adopted by a rising vote of the Senate.